UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,604	07/12/2001	Brett A. Green	10010606-1	2599

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EXAMINER
BECKER, SHAWN M

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover she t with the correspond nce address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 August 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-35</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-35</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this
> or a foreign country, before the invention thereof by the applicant for a patent.

2.   Claims 18-21 and 28-31 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S.

Patent No. 6,148,346 to Hanson (hereinafter Hanson).

Referring to claim 18, Hanson teaches a computer coupled to a dedicated purpose device

(i.e. printer or other peripheral device; col. 2, lines 16-19 and 40-44) that receives a markup

language (i.e. HTML) document from the dedicated purpose device. See col. 4, lines 39-41,

which state that the driver portion may reside in the peripheral device and col. 5, lines 23-35,

which describe how the driver top menu may be written in HTML. Also, see col. 7, lines 32-34.

The method of Hanson displays the markup language document as a menu page of the dedicated

purpose device, activates a menu item of the menu page, and in response to the activating,

receives an updated markup language document from the dedicated purpose device. See Figs.

8A – 8J, which show menu items that may be selected (activated) and new menu pages (updated

HTML documents). Also, see col. 8, lines 16-44.

Referring to claim 19, Hanson discloses displaying the markup language document

further comprises interpreting the markup language document with a browser application

(program that views HTML documents). See col. 4, lines 60-63 and col. 5, lines 31.

Referring to claim 20, activating a menu item in Hanson comprises selecting the menu item with an input device (i.e. mouse) of the computer. See the selectable hyperlinks in the menu of Fig. 8A, for example.

Referring to claim 21, activating a menu item in Hanson initiates a function of the dedicated purpose device. See Figs. 3-8 and col. 8, lines 44-48.

Referring to claim 28, Hanson teaches a method on a dedicated purpose device (i.e. printer or other peripheral device; col. 2, lines 16-19 and 40-44) that serves a markup language (i.e. HTML) document to a remote computer for display as a menu page having selectable menu items (i.e. hyperlinks). See col. 4, lines 39-41, which state that the driver portion may reside in the peripheral device (i.e. the device serves the driver portion to the computer) and col. 5, lines 23-35, which describe how the driver top menu may be written in HTML. Also, see col. 7, lines 32-34.

The method receives an event indicator associated with a selected menu item and executes a script code associated with the selected menu item. See Figs. 8A – 8J, which show menu items that may be selected (activated) and new menu pages (updated HTML documents). Also, see col. 8, lines 16-44.

Referring to claim 29-31, the executing a script code of Hanson alters text associated with the selectable menu items (i.e. col. 6, lines 24-30), serves a new markup language document to the remote computer for display as a refreshed menu page on the computer, and initiates a function of the dedicated purpose device. See Figs. 8A – 8J, which show new menu items with

their corresponding new text, new menu pages, and the ability to initiate functions of the

peripheral device. Also, see col. 8, lines 16-44.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1-17, 22-24, and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Hanson and the Canon NP-6551 copier as supported by http://www.petter-

business.com/NP6551.html, 8/10/2000 (hereinafter Canon). The attached HotBot search result

shows that date, August 10, 2000 that the article was posted to the Internet.

        Referring to claim 1, Hanson teaches a dedicated purpose device (i.e. printer; col. 3, lines

15-24) with a menu screen that presents menu pages having one or more selectable menu items

and markup language (i.e. HTML) documents that define the menu pages. See col. 5, lines 23-

35.

        Hanson describes that the driver portion, which includes the GUI for the peripheral

device may reside in the host computer, peripheral device, or a server (col. 4, lines 35-57), but

Hanson does not explicitly teach a touch sensitive menu screen within the dedicated purpose

device. However, Canon describes, in the second paragraph, a copier (dedicated

purpose/peripheral device such as in Hanson) that includes a touch-sensitive LCD panel, which

provides the types of GUI objects (i.e. menus) present in Hanson. It would have been obvious to

one of ordinary skill in the art to provide a touch sensitive panel in the peripheral device of

Hanson in order to display the HTML defined menu pages of Hanson directly on the peripheral

device as taught by Canon.

Referring to claim 2, Hanson teaches a virtual machine executing on the dedicated

purpose device to interpret and execute script code associated with selected menu items. See col.

4, line 58 – col. 5, line 12.

Referring to claim 3, Hanson teaches that the script code is configured to initiate a

function of the dedicated purpose device. See col. 4, lines 45-57, for example.

Referring to claims 4-5, the script of Hanson is configured to alter text displayed on a

menu page and reconfigure internal settings of the device corresponding to the altered text (i.e.

col. 6, lines 24-30), update the menu screens with new menu pages, and reconfigure internal

settings corresponding to the new menu page. See Figs. 8A – 8J, which show new menu items

with their corresponding new text, new menu pages, and the ability to change system settings

within the peripheral device. Also, see col. 8, lines 16-44.

Referring to claim 6, the script code of Hanson is Java, Java Applets, or any language

with characteristics similar to Java (which includes JavaScript code) and the virtual machine is a

java virtual machine. See col. 4, line 57 – col. 5, line 12.

Referring to claim 7, Hanson includes a local server module configured to serve a

markup language document to the menu screen. See col. 4, line 42 and WWW server in Fig. 1.

Referring to claim 8, the local server module of Hanson is further configured to serve a

markup language document to a remote computer (i.e. is connected to a network). See col. 3,

lines 25-30.

Referring to claim 9, the dedicated device of Hanson is a printer, for example. See col. 2, lines 40-44.

Referring to claim 10, a selectable menu item of Hanson is defined by a markup language document and comprises a graphical key with a textual label. See col. 2, lines 45-50 and col. 5, lines 26-34. Also, see Figs. 3-8.

Referring to claim 11, the menu pages of Hanson identify and permit access to operable functions of the device. See Figs. 3-8 and col. 8, lines 44-48.

Referring to claim 12, the menu pages of Hanson are reconfigurable to identify and permit access to upgraded and additional operable functions of the device. See col. 1, lines 44-54, which describes how one of the problems overcome by Hanson was the inability to add features to the device driver that were not previously conceived at the time of authoring.

Referring to claim 13, Hanson teaches a dedicated purpose device (i.e. printer; col. 3, lines 15-24) that serves (col. 4, line 43) a markup language (i.e. HTML) document for display as a menu page on a menu screen, the menu page having selectable menu items. See col. 5, lines 23-35. Also, refer to col. 7, lines 32-34.

The device executes script code associated with a selected menu item. See col. 4, line 58 – col. 5, line 12.

Hanson describes that the driver portion, which includes the GUI for the peripheral device may reside in the host computer, peripheral device, or a server (col. 4, lines 35-57), but Hanson does not explicitly teach a touch sensitive menu screen within the dedicated purpose device. However, Canon describes, in the second paragraph, a copier (dedicated purpose/peripheral device such as in Hanson) that includes a touch-sensitive LCD panel, which

provides the types of GUI objects (i.e. menus) present in Hanson. It would have been obvious to

one of ordinary skill in the art to provide a touch sensitive panel in the peripheral device of

Hanson in order to display the HTML defined menu pages of Hanson directly on the peripheral

device as taught by Canon.

Referring to claims 14-17, Hanson teaches that in response to executing the script code,

text displayed on the menu screen is updated (i.e. col. 6, lines 24-30), a new markup language

document is served to the menu screen for display as a refreshed menu page, or a function of the

dedicated purpose device is initiated. See Figs. 8A – 8J, which show new menu items with their

corresponding new text, new menu pages, and the ability to initiate functions within the

peripheral device. Also, see col. 8, lines 16-44.

Referring to claim 22, Hanson teaches a dedicated purpose device (i.e. printer or other

peripheral device; col. 2, lines 16-19 and 40-44) that defines menu pages for display on a menu

screen with markup language documents. See col. 5, lines 23-35. Hanson teaches installing

upgraded markup language documents that define reconfigured menu pages for display on the

menu screen. See col. 1, lines 44-54, which describes how one of the problems overcome by

Hanson was the inability to add features to the device driver that were not previously conceived

at the time of authoring.

Hanson describes that the driver portion, which includes the GUI for the peripheral

device may reside in the host computer, peripheral device, or a server (col. 4, lines 35-57), but

Hanson does not explicitly teach a touch sensitive menu screen within the dedicated purpose

device. However, Canon describes, in the second paragraph, a copier (dedicated

purpose/peripheral device such as in Hanson) that includes a touch-sensitive LCD panel, which

provides the types of GUI objects (i.e. menus) present in Hanson. It would have been obvious to

one of ordinary skill in the art to provide a touch sensitive panel in the peripheral device of

Hanson in order to display the HTML defined menu pages of Hanson directly on the peripheral

device as taught by Canon.

Referring to claim 23, the menu pages of Hanson present initial functions of the

dedicated purpose device and the reconfigured menu pages present upgraded functions of the

dedicated purpose device. See col. 7, lines 34-41.

Referring to claim 24, Hanson describes updating the peripheral device with functions

not thought of at the time of authoring/later-installed functions (Hanson at col. 1, lines 44-67)

and upgraded initial functions (col. 7, lines 34-41).

Referring to claim 32, Hanson teaches a method on a dedicated purpose device (i.e.

printer or other peripheral device; col. 2, lines 16-19 and 40-44) that serves a markup language

(i.e. HTML) document for display as a menu page having selectable menu items (i.e.

hyperlinks). See col. 4, lines 39-41, which state that the driver portion may reside in the

peripheral device or local server and col. 5, lines 23-35, which describe how the driver top menu

may be written in HTML. Also, see col. 7, lines 32-34.

The method receives an event indicator associated with a selected menu item and

executes a script code associated with the selected menu item. See Figs. 8A – 8J, which show

menu items that may be selected (activated) and new menu pages (updated HTML documents).

Also, see col. 8, lines 16-44.

Hanson describes that the driver portion, which includes the GUI for the peripheral

device may reside in the host computer, peripheral device, or a server (col. 4, lines 35-57), but

Hanson does not explicitly teach a touch sensitive menu screen within the dedicated purpose

device. However, Canon describes, in the second paragraph, a copier (dedicated

purpose/peripheral device such as in Hanson) that includes a touch-sensitive LCD panel, which

provides the types of GUI objects (i.e. menus) present in Hanson. It would have been obvious to

one of ordinary skill in the art to provide a touch sensitive panel in the peripheral device of

Hanson in order to display the HTML defined menu pages of Hanson directly on the peripheral

device as taught by Canon.

Referring to claim 33-35, the executing a script code of Hanson alters text associated

with the selectable menu items (i.e. col. 6, lines 24-30), serves a new markup language document

to the remote computer for display as a refreshed menu page on the computer, and initiates a

function of the dedicated purpose device. See Figs. 8A – 8J, which show new menu items with

their corresponding new text, new menu pages, and the ability to initiate functions of the

peripheral device. Also, see col. 8, lines 16-44.

5.   Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson,

Canon, and U.S. Patent No. 6,327,045 to Teng et al. (hereinafter Teng).

Referring to claim 25, Hanson and Canon describe installing upgraded software (i.e.

Hanson at col. 7, lines 34-41), but Hanson and Canon do not go into detail in describing how the

software is installed. Teng describes a cross-platform compatible method of programming

peripheral device menus through HTML (Teng at col. 2, line 45 – col. 3, line 15) similar to

Hanson that installs upgraded markup language documents by receiving a software upgrade (i.e.

through a vendor; Teng at col. 2, lines 30-43) and installing the software upgrade on the

dedicated purpose device (i.e. Teng at col. 8, lines 34-59). It would have been obvious to one of

ordinary skill in the art to install software upgrades according to the method of Teng within the

peripheral device of Hanson and Canon in order to allow different vendor and platform software

packages to be made available for the peripheral device as supported by Teng.

Referring to claim 26, receiving a software upgrade in Hanson, Canon, and Teng includes

loading the software upgrade onto the dedicated purpose device from a remote computer (i.e. via

the Internet). See the network in Fig. 1 of Hanson and remote computer 49, in Fig. 1 of Teng.

Referring to claims 27, the receiving a software upgrade in Hanson, Canon, and Teng, *supra*,

comprises loading the software upgrade onto the dedicated purpose device from a portable data

medium. See Teng at col. 4, lines 9-63.

Response to Arguments

6.   Applicant's arguments filed 8/30/04 have been fully considered but they are not

persuasive.

Applicant argues with respect to claim 18 that Hanson does not teach receiving a markup

language document from the dedicated purpose device or receiving an updated markup language

document from the dedicated purpose device. However, Hanson describes in col. 5, lines 23-35,

that the menus may be written in HTML, which clearly requires the presence of an HTML

document (a markup language document). Hanson also states that the driver portion (i.e.

including the menu documents) may reside in the peripheral device (col. 4, lines 39-41).

Therefore, in order to display the menu, the HTML document must be received from the

dedicated purpose device wherein the menu resides. The dedicated purpose device serves the

HTML document and the computer receives the HTML document as claimed in claims 18 and

28. Hanson describes this two-way communication in col. 1, line 55 – col.2, line 50.

Applicant argues with respect to claim 28 that Hanson does not teach executing a script

code associated with a menu item. However, Hanson teaches executing GUI objects upon

selection of menu items, wherein the GUI objects and the execution are clearly defined by script

code. See col. 8, lines 16-44.

Applicant argues with respect to claim 1, that Hanson only teaches displaying the menu

on the computer display and not on the peripheral devices. However, Hanson does teach the use

of menus written in HTML, and Cannon teaches a peripheral device with a display screen for

displaying menus as described above. Therefore, combining Hanson and Cannon does result in

the HTML menu screens of Hanson being displayed on the peripheral device of Cannon, which

includes a touch screen.

Applicant reiterates the above arguments with respect to claims 13, 22, and 32, and for

the sake of brevity, the logic described above will not be repeated.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after
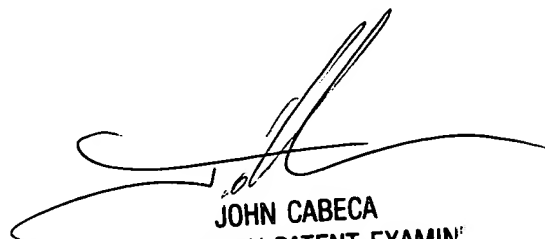
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Shawn M. Becker whose telephone number is (571) 272-4046.

The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John W. Cabeca can be reached on (571) 272-4048. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smb

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